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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,743	09/20/2000	Eric Rosen	990341	8448
23696	7590	11/16/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,743

Applicant(s)

ROSEN ET AL.

Examiner

Kevin C. Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-12,14-17,19-22,24-30 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7,9-12,14-17,19-22,24-30 and 32-45 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 4, 2004, has been entered.

Response to Arguments

Applicant's arguments, filed October 4, 2004, have been fully considered and are persuasive (see also *McTiffin*, col. 3, lines 58-60). Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Le* (US 6,466,585).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-6, 9-12, 16, 19-22, 25-29, 32-35, 39, 41-42 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by *Le* (US 6,466,585).

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1. Regarding claims 3-6, 9-12, 16, 19-22, 25-29 and 32-35, Le discloses a system (fig. 3) for reducing transmission overhead in a communication system (col. 4, lines 9-20). The system comprises a communication device (fig. 3, item 12) and a receiving station (item 34). The communication device comprises an inherent processor for generating a data origination message (col. 8, lines 6-21) to initiate communication with a receiving station, for transmitting in a subsequent data frame information needed to construct data network header information at the receiving station (col. 9, lines 33-40; col. 8, lines 6-21; col. 9, lines 18-21), and for subsequently formatting information to be transmitted according to a pre-determined format lacking data network header information (fig. 6; col. 9, lines 4-8; col. 9, lines 48-50). The communication device also comprises a transceiver (fig. 3, item 66; fig. 1, item 12) for transmitting the data origination message, information to construct datagrams at the receiving station, and formatted information. The receiving station comprises a transceiver (fig. 3, item 68) for receiving the information to construct datagrams and providing the information to an inherent second processor (item 116). The second processor configures a data packet generator (item 116) to generate datagrams to a destination data network address (item 14) across a data network (item 78) by storing information needed to construct datagrams (col. 9, lines 20-21). The packet generator generates datagrams in accordance with a data network protocol having an associated header comprising information from an inherent storage device (col. 9, lines 17-18).
2. Regarding claim 39, 41-42, and 44-45, the formatting produces vocoder like frames (col. 7, lines 12-21; col. 9, lines 48-50; col. 11, lines 11-13).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 24, 30, 36-38, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,466,585) in view of Yoon (US 5,867,782).

3. Regarding claim 7, 24, 30 and 36-38, Le discloses apparatus (fig. 3, item 34) for reducing transmission overhead in a communication system (col. 4, lines 9-20). The apparatus comprises an inherent processor for generating a data origination message (col. 9, lines 18-21) to initiate communication with a receiving station (fig. 3, item 12), for transmitting information needed to construct data network header information at the receiving station (col. 9, lines 18-21), and for subsequently formatting information to be transmitted according to a pre-determined format lacking data network header information (fig. 6; col. 9, lines 4-8; col. 9, lines 48-50). The apparatus also comprises a receiver (fig. 3, item 68; fig. 1, item 34) and a transmitter for transmitting the formatted information. The processor removes the data network header information (col. 9, lines 4-8) prior to formatting the information (col. 9, lines 48-50). Le discloses setting up a special channel for the transmission (col. 9, line 20); however, Le does not disclose receiving an acknowledgement from the receiving station and transmitting formatted information after receiving the acknowledgement. Yoon discloses receiving an acknowledgement at a base station before starting a transmission (col. 4, lines 3-4, 7-15 and 34-41). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to delay transmission until an acknowledgement is received in the invention of Le in order to verify a connection is established before transmitting data on the connection (Yoon, fig. 2).

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4. Regarding claim 40 and 43, in Le the formatting produces vocoder like frames (col. 7, lines 12-21; col. 9, lines 48-50; col. 11, lines 11-13).

Claims 14-15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,466,585).

5. Regarding claim 14-15, 17 and 19, the system also includes a data packet receiver for receiving data grams from a device (item 22) across the data network (item 26). The second processor receives the datagrams and determines a second communication device for which the datagrams are intended (col. 2, lines 9-12) and removes the data network header information from the datagrams (col. 9, lines 1-8) and formats the datagrams in accordance with a predetermined format and a transmitter for transmitting the formatted information (col. 9, lines 48-50) to the second communication device (col. 9, line 18-21). However, Le does not specifically disclose more than one mobile terminal. Although, Le discloses that the system operates according to a CDMA or TDMA standard (col. 5, lines 18-22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have more than one mobile terminal in the wireless network of Le and to determine which mobile terminal a data packet is directed in the invention of Le in order to support many paying customers at one network access point and to route Internet data to the proper customer among the customers using the access point.

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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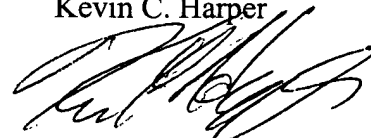
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



November 13, 2004